

GRANT SOLICITATION AND APPLICATION PACKAGE

**American Recovery and Reinvestment Act
of 2009**

**Energy Efficiency and Conservation Block
Grant (EECBG) Program**



**EECBG Phase 2 Small City and County Grant
Program**

PON-11-608

January 12, 2012

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GRANT SOLICITATION AND APPLICATION PACKAGE

Subject Area: Energy Efficiency and Conservation Small City and County Grant Program, Phase 2

1. **Release Date:** January 12, 2012
2. **Application Due Date:** As soon as possible but no later than February 14, 2012
3. **Solicitation Schedule:**

Event	Date
Release of Solicitation	January 12, 2012
Deadline to Submit Written Questions	Ongoing
Posting of Questions and Answers on the CEC website	January 26, 2012 (estimated) and updated as needed
<i>Deadline to Submit Applications</i>	<i>As soon as possible but no later than February 14, 2012 by 4:00pm</i>
Approval of Awards at Energy Commission Business Meeting	Ongoing as applications are approved for funding

4. **Purpose:**

This is a grant solicitation for Phase 2 of the Energy Efficiency and Conservation Block Grant (EECBG) program, a first-come, first-served grant program designed to provide eligible small cities and counties within the State of California funding to install eligible cost-effective energy efficiency retrofits within their jurisdictions. Funding for this program is provided from the American Recovery and Reinvestment Act of 2009 (ARRA). The California Energy Commission (Energy Commission) is responsible for administering the State's share of EECBG funding within California. The Energy Commission plans to allocate up to \$10.0 million of EECBG Phase 2 funding to eligible small cities and counties under this funding solicitation.

As of January 12, 2012, \$0.00 are allocated to this solicitation. However, the Energy Commission anticipates (but cannot guarantee) funding will become available in the near future.

5. Background:

The federal Energy Independence and Security Act of 2007 (EISA) established the EECBG program to assist eligible entities in creating and implementing strategies to:

1) reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; 2) reduce the total energy use of the eligible entities; and 3) improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors.

On February 17, 2009, President Obama signed into law ARRA which, for the first time, appropriated funds to the U.S. Department of Energy (DOE) for the EECBG program. The purpose of ARRA is to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and, to stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases.

Under the EECBG program, DOE provides grant funds to states, territories, Indian tribes, and “large” cities and counties (as determined by DOE) for eligible projects. The EECBG federal Funding Opportunity Announcement (DE-FOA-0000013) provides \$49,603,400 to the State of California. DOE requires that no less than 60% of the funds received by states be passed through to cities and counties that did not receive a direct EECBG allocation from DOE. On June 25, 2009, the Energy Commission submitted an application to DOE to receive authority to expend EECBG funds for eligible projects. DOE awarded the EECBG grant to the Energy Commission on September 14, 2009.

Under Phase 2 of the EECBG program, the Energy Commission will make available, on a first-come, first-served basis, any unspent funds from the EECBG program. At the time of this solicitation release, zero dollars are available. However, up to \$10.0 million of program funding may be added if and when it becomes available for this solicitation.

The California Legislature has provided the Energy Commission guidance on implementing California’s EECBG program through California Public Resources Code Sections 25450 – 25450.5. This law directs the Energy Commission to prioritize projects based on cost-effective energy efficiency.

A copy of these guidelines can be accessed at www.energy.ca.gov/recovery/blockgrant.html. Applicants must comply with all provisions of the *EECBG Program Guidelines*, regardless of whether those provisions are explicitly discussed in this solicitation and must also comply with the grant terms and conditions (Exhibit 9).

This solicitation is governed by the Commission’s Block Grant Guidelines, dated January 12, 2012 (publication number CEC-150-2009-002-CMF-REV 4) (“EECBG Program Guidelines”).

6. EECBG Phase 2 Funding:

Up to \$10.0 million of ARRA EECBG Phase 2 funds may be made available for grants to be awarded under this solicitation. Funding to eligible entities is provided on a first-come, first-served basis. As of January 12, 2012, \$0.00 are allocated to this solicitation. However, the Energy Commission anticipates (but cannot guarantee) funding will become available in the near future.

7. Minimum/Maximum Grant Awards:

There are no minimum or maximum funding award restrictions. However, Applicants must certify that the proposed project can be completed and all allocated funding can be spent by September 13, 2012.

8. Match Share Requirements/Leveraged Funding:

There are no match share requirements for funding under this solicitation. However, applicants are encouraged to leverage other available funding to the greatest extent possible. Leveraged funds may include local jurisdiction funds, utility rebates, bond funds, Energy Commission loan funds, and other ARRA funds or non-ARRA funds.

Applicants should note that for projects that include leveraged funding, EECBG Phase 2 funds must be segregated, tracked and reported separately from all other sources of funding utilized.

9. Availability of Low Interest Loan Funds:

For projects that have anticipated costs that exceed the available grant funds, low-interest financing for eligible projects is available through the Energy Commission's Energy Conservation Assistance Act (ECAA) loan program. More information on this program along with application documents can be found at <http://www.energy.ca.gov/efficiency/financing/>.

10. Payment of Funds:

Grant payments under the resulting funding award agreements will be made on a cost-incurred basis based on sufficient documentation.

Funds are expected to be reimbursed through the following process:

- Grant funds will be disbursed after the Recipient submits a complete, valid payment request form and appropriate supporting backup documentation to the Energy Commission.

- Backup documentation should include copies of receipts detailing the specific equipment and purchases, the services produced, and personnel time records where appropriate. Please see the grant agreement terms and conditions for additional information.
- Energy Commission staff must approve all payment requests. Such approval is subject to the Recipient's acceptable submittal of the required progress reports, other specified products, and the appropriateness of the invoiced expenses under the funding award agreement.
- Up to 90 percent of the grant award may be paid as progress payments prior to project completion. The final 10% will be withheld as retention. After the project is complete, the Recipient must submit a completed payment request form requesting release of the retention. The Commission Project Manager will review the project file and, when satisfied that the terms of the funding Agreement have been fulfilled, will authorize release of the retention.

11. Eligible Projects:

Applications must be submitted for the purchase and installation of energy efficiency measures specifically identified in Exhibit 2 of this solicitation. Projects not identified in Exhibit 2 are not eligible for funding under this solicitation.

12. Prohibition on Use of Funds:

EECBG Phase 2 funds may not be used for any swimming pool, gambling establishment, aquarium, zoo, or golf course.

13. Minimum Project Requirements:

All applications must meet the following minimum requirements:

- Applicants must certify that their projects will be completed on or before September 13, 2012.
- Proposals submitted under this solicitation may only request funding for new projects not previously funded or approved by the Energy Commission. Reimbursement of costs incurred prior to the award of a grant agreement will not be allowed.
- Applicants must provide details on the proposed eligible project(s) by completing and submitting the Eligible Project Supporting Documentation Form (Attachment B) as part of the application. Purchase and installation of equipment is limited to only the types of projects specified in Exhibit 2.

- The Energy Commission considers the equipment specified in Exhibit 2 to be cost-effective when used in accordance with the direction given in the application. No feasibility study or energy calculations are necessary under this solicitation.

14. Eligible Applicants:

Only those cities and counties listed in Exhibit 1 of this funding solicitation are eligible to apply. All applicants must commit to comply with state and federal reporting obligations, including documentation of jobs created and greenhouse gas impacts.

15. Registration Requirements:

All applicants awarded funding must be registered and in good standing in accordance with the requirements below:

Dun and Bradstreet Data Universal Number System (DUNS): Prior to beginning work, Applicants must obtain a DUNS number or, if necessary, update their organization's information. A DUNS number is a unique identifier used by the federal government to track distribution of federal funds. To obtain a DUNS number or to update information, please visit http://www.dnb.com/US/duns_update or contact the D&B Government Customer Response Center at 1-866-705-5711.

Central Contractor Registry (CCR): All Applicants must maintain current registration in the CCR at all times during which they have an active award funded with ARRA funds. The CCR database is the federal government's primary registrant database. It collects, validates, stores and disseminates data in support of federal grants, cooperative agreements, and other forms of assistance. To register, please visit CCR's website at <http://www.ccr.gov>. Registrants must update or renew their registration at least once per year to maintain an active status.

A DUNS Number is one of the requirements for registration in the CCR.

16. Multiple Applications:

Eligible cities and counties must apply as an individual applicant and only one application per eligible entity is allowed.

17. Application Due Date and Submittal Requirements:

Applications must be ***received*** by the Energy Commission's Grants and Loans Office on or before ***4:00 p.m. on February 14, 2012***. Postmark dates of mailing or electronic transmissions (i.e., facsimile (Fax) or e-mail) are ***not*** acceptable in whole or in part under any circumstances. The Energy Commission will reject all applications not received by the Grants and Loans Office by the stated due date and time.

Applicants should mail their completed applications to:

California Energy Commission
Grants and Loans Office
Attn: EECBG Phase 2 Grant Program
1516 Ninth Street, MS-1
Sacramento, CA 95814

Applicants must provide hard copies of one (1) original and one (1) copy of the proposal and a CD containing all the documents related to the proposal. The documents do not need to be bound; binder clips are acceptable. The original must be signed by an authorized representative of your organization.

18. Application Requirements:

Applications must contain all of the following elements to be considered complete and eligible for funding:

- A. **Cover Page (Attachment A).** This cover page includes the name, address, and business contact information of the Applicant. In addition, the cover page contains required certifications which must be signed by an authorized representative of the applicant.
- B. **Supporting Documentation for Eligible Projects.** Applicants must complete Attachment B which includes the following information:
 - A listing of the specific equipment to be purchased and installed. Equipment purchased is limited to the projects specified in Exhibit 2.
 - The location or facility where the equipment is proposed to be installed.
 - The capacity of the existing equipment.
 - The capacity of the proposed equipment.
 - The number of hours of operation.
 - The number of units to be purchased.
 - The per unit estimated purchase price.
 - The estimated total costs to install the equipment.

- For non-equipment costs that exceed 50% of total project costs for any given direct equipment purchase, provide written justification for the non-equipment costs.
- C. **Budget.** Provide an itemized budget for the project that identifies all costs and expenses in a format consistent with Attachment C. The budget should adhere to or include the following:
- Costs for the preparation and submission of monthly progress reports (2-4 pages each) during the approved term of the agreement, and a final report.
 - The budget must reflect estimates for **actual** costs to be incurred during the approved term of the project. The Energy Commission can only approve and reimburse expenditures for actual costs that are properly documented in accordance with the Grant Terms and Conditions.
 - The budget must **NOT** include any profit from the proposed project, either as a reimbursed item or as match share. In accordance with the Grant Terms and Conditions, **NO PROFIT IS ALLOWED UNDER GRANT AGREEMENTS**. Please review the Grant Terms and Conditions for additional restrictions and requirements.
- D. **Applicant Authorizing Resolution.** Applicants should submit an authorizing resolution from their governing board consistent with the sample resolution provided in Exhibit 3. If a resolution is not available at the time of application, applicants must obtain a valid resolution prior to expending any grant funds awarded under this solicitation.

Summary of Application Requirements

Item	Attachment/Exhibit Number
1. Cover Page	Attachment A
2. Supporting Documentation for Eligible Projects	Attachment B
3. Budget	Attachment C
4. Applicant Authorizing Resolution (optional at time of application submittal)	Exhibit 3

19. Application Review and Award Process:

The Energy Commission will screen each proposal for eligibility/completeness and then evaluate the proposal for technical and financial accuracy. Energy Commission staff will begin processing the applications on a first-come, first-served basis. The review and award process is as follows:

- A. Energy Commission staff will initially screen each application for the following:
 - 1) The application was received on or before the application deadline as stated in this solicitation document.
 - 2) The application is submitted by an eligible small city or county as listed in Exhibit 1.
 - 3) The application is signed by the Applicant's authorized representative.
 - 4) The application does not contain any information the Applicant has labeled as confidential, secret or protected in any manner.
 - 5) The application is complete in accordance with this solicitation document.
- B. If the application is deficient in any of the above areas, the Energy Commission will provide written notification to the Applicant detailing the issue(s). Applicants have the ability to correct the deficiencies and re-submit their application if the solicitation is still open. However, re-submitted applications will be processed on a first-come, first-served basis as if they were newly submitted applications.
- C. Once the application passes the screening criteria, it will be recorded as "received," and will continue in the review process.
- D. Energy Commission staff will review each application to determine if it meets the project eligibility criteria as described in Exhibit 2. The Energy Commission will work with applicants to modify an application should a project be deemed ineligible.
- E. Assuming the application meets minimum program eligibility criteria, staff will then evaluate it for technical and financial accuracy. All supporting documentation will be reviewed to ensure accuracy and reasonableness of cost. The Energy Commission will work with applicants to correct or clarify the technical accuracy of the application if questions arise.
- F. Energy Commission staff will recommend the application for funding only if it passes the eligibility/completeness screening and the evaluation for technical and financial accuracy.
- G. Applications recommended for funding must be approved at an Energy Commission Business Meeting.

- H. Concurrent with Business Meeting approval, the Energy Commission will generate a funding award agreement, including applicable Terms and Conditions¹, Scope of Work, and Budget, and will send the agreement to the Applicant for review and approval. A template of the Scope of Work is provided in Exhibit 4.
- I. Once approved by the Applicant and upon approval of the award by the Energy Commission, the funding award will be fully executed by the Energy Commission. Applicants are approved to begin the project only after the Grant Agreement has been signed and properly executed by both the Recipient and the Energy Commission.

20. Confidential Information:

No confidential information will be accepted either through the application process or through the implementation of the funding award. Applications containing or proposing to deliver confidential information will be returned without consideration.

21. Federal and State Requirements:

Projects funded with ARRA funding must comply with various federal and state administrative and policy requirements. Applicants must review the relevant ARRA funding opportunity announcement(s), the *EECBG Program Guidelines*, and the Energy Commission's Grant Terms and Conditions for information regarding these requirements. Although Applicants will be required to adhere to all terms and conditions of the funding award, the following specific provisions may have significant project impacts:

Payment of Prevailing Wages: Section 1606 of ARRA broadly applies the Davis-Bacon Act prevailing wage requirements to ARRA-funded construction projects by specifying that:

Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code [Davis-Bacon Act].

¹ Samples of the required detailed award documents and the Grant Terms and Conditions can be found at www.energy.ca.gov/contracts as part of this solicitation package. However, please note that the Energy Commission reserves the right to modify the award documents and/or the Grant Terms and Conditions prior to executing Grant Agreements.

Applicants in response to this solicitation should be advised that whenever proposed project funding is used for construction and the construction is completed by contractors/subcontractors who employ laborers and/or mechanics, as specified by the U.S. Department of Labor (DOL), those laborers and/or mechanics must be paid at the appropriate prevailing wage rates.

Applicants are required to determine if the installation of energy efficiency measures under their proposed projects are subject to Davis-Bacon Act and/or California prevailing wage requirements as soon as possible.

If the Applicant's proposed project identifies construction work to be completed by contractors or subcontractors employing laborers and/or mechanics subject to Davis-Bacon Act or California prevailing wage requirements, the budget for the proposed project must provide for the payment of prevailing wages to those laborers and mechanics.

If an Applicant's project proposal is selected for funding under this solicitation, then the Commission Project Manager will work with the Applicant to determine whether Davis-Bacon Act prevailing wage requirements apply to the project, and, if so, will work with the Applicant to identify the appropriate job classifications and prevailing wage rates to be used.

Exhibit 7 provides helpful information on the Davis-Bacon Act and the type of project work which may not be subject to the payment of prevailing wage under federal law. Exhibit 8 provides helpful information on California prevailing wage requirements.

California Environmental Quality Act: Projects selected for funding may meet the definition of a "project" for purposes of the California Environmental Quality Act (CEQA). (See Public Resources Code section 21000 et seq.) If this occurs, the Energy Commission's Legal staff will review the projects to determine whether an exemption applies that would prevent further actions under CEQA. If no exemption applies, certain CEQA requirements (such as, preparation of an initial study and a negative declaration or environmental impact report) will have to be met prior to the Energy Commission approving the grant. The Applicant will have to pay the cost for these activities. Please refer to Title 20, California Code of Regulations, Chapter 6, Article 1, including section 2308.

Notably, projects that are eligible to receive funding under this solicitation, as specified in Exhibit 2, are lighting projects that involve retrofitting or replacement of lamps, ballasts, and/or fixtures on existing structures, equipment, or facilities, are expected to result in negligible or no expansion of the existing use of such structures, equipment, or facilities. Accordingly, it is anticipated that projects that are eligible to receive funding under this solicitation will fall under the CEQA exemption for existing facilities, 14 California Code of Regulations Section 15301.²

² 14 California Code of Regulations Section 15301 provides that "the operation, repair, maintenance . . . or minor alteration of existing public or private structures, facilities, mechanical equipment, or

Single Audit Act: All eligible applicants must demonstrate compliance with the Single Audit Act and Office of Management and Budget (OMB) Circular A-133. The Single Audit Act and OMB Circular A-133, *Audits of State, Local Governmental, and Non-profit Organizations*, require entities that expend equal to or in excess of \$500,000 in a fiscal year to have an audit performed in accordance with the Single Audit Act.

For more information on documentation requirements, please see Complying with the Single Audit Report (Exhibit 5) of this solicitation package.

Buy American Provisions of ARRA: All ARRA funding recipients are required to comply with the Buy American provisions of ARRA (Section 1605 of Title XVI). The Buy American provisions of ARRA require that all iron, steel and manufactured goods used in projects funded by ARRA for the construction, alteration, maintenance or repair of a public building or public work must be produced in the United States unless one of three listed exceptions applies – nonavailability, unreasonable cost, or inconsistent with the public interest – and a waiver is granted by DOE. The Buy American provisions of ARRA are implemented by guidance issued by the Office of Management and Budget (OMB) found at 2 Code of Federal Regulations, Part 176, Subpart B.

ARRA funding recipients are responsible for retaining documentation that demonstrates their compliance with the Buy American provisions of ARRA. During post-award monitoring activities, which may include desk reviews, on-site reviews, audits, and other activities, ARRA funding recipients may be asked to produce records that verify compliance. The Office of Energy Efficiency and Renewable Energy (EERE) at DOE has issued guidance on documenting compliance with the Buy American provisions of ARRA. This guidance may be found on EERE's Buy American web page at http://www1.eere.energy.gov/recovery/buy_american_provision.html.

National Historic Preservation Act (NHPA): Prior to the expenditure of EECBG Program funds to alter any structure or site, the Recipient is required to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) outlined in 36 CFR Part 800, consistent with DOE's 2009 letter of delegation of authority regarding the NHPA. Section 106 of the NHPA applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places. Recipients shall avoid undertaking any project activities that result in an adverse effect to historic properties pending compliance with Section 106. Section 110(k) of the NHPA applies to DOE funded activities.

In order to fulfill the requirements of Section 106, the Energy Commission and applicants must consult with the California State Historic Preservation Officer (SHPO), and, if applicable, the Tribal Historic Preservation Officer (THPO), to ensure proposed projects will have no adverse effects on any historic resources.

topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination" is categorically exempt from CEQA. "The key consideration is whether the project involves negligible or no expansion of an existing use."

The Energy Commission executed a Programmatic Agreement (Programmatic Agreement) with the SHPO, as amended, to streamline the Section 106 consultation process and to categorically exclude some projects from the SHPO's direct review and consultation. Because of their nature, these categorically excluded projects cannot impact historic resources. The categorically excluded projects are identified in the Programmatic Agreement and include: (1) undertakings for planning, training and educational purposes; (2) undertakings to replace equipment on existing buildings or structures that result in no building or structure changes or ground disturbances; and (3) undertakings on buildings or structures less than 45 years of age that will result in no ground disturbances. Projects that are categorically excluded from the SHPO's direct review and consultation will be deemed to have satisfied Section 106 of NHPA without further review or involvement by the SHPO.

The Energy Commission will evaluate projects to determine whether such projects are categorically excluded from the SHPO's direct review and consultation under the Programmatic Agreement. If projects are categorically excluded, the Energy Commission will issue the project applicant a clearance letter on the SHPO's behalf.

In order for the Energy Commission to determine whether a given project is categorically excluded from the SHPO's direct review and consultation, the applicant must provide a letter to the Energy Commission's cultural resources staff requesting a Section 106 consultation for the proposed project, as specified in Exhibit 6 to this solicitation.

Waste Management Plan: Prior to the expenditure of EECBG Program funds, the Recipient must complete and submit a waste management plan in accordance with the guidance provided by the Energy Commission. The Energy Commission has developed a waste management plan template (Exhibit 10) that should be completed and signed by the Recipient to comply with this requirement. Waste management plan guidance and plan template can be downloaded at <http://www.energy.ca.gov/contracts>.

1. Recipient submits Waste Management Plan to the Commission Project Manager (CPM) before generating any waste.
2. If the plan is not complete, the CPM will provide guidance on necessary revisions. Recipients will re-submit a revised plan for Energy Commission review.
3. Once the plan is acceptable, CPM will notify Recipient in writing that the Energy Commission has accepted the completed plan.
4. Once CPM notifies Recipient that the completed plan has been accepted, Recipient may begin activities that generate waste.

22. Grounds for Rejection:

Applications **WILL** be rejected and not considered for funding if:

- A. The Energy Commission does not receive the application by the due date and time as specified in this solicitation.

- B. The Applicant is not an eligible applicant as specified in Exhibit 1 of this funding solicitation.
- C. The application does not include the signature of the organization's authorized representative.
- D. The application contains any information the Applicant has labeled as confidential, secret or protected in any manner.
- E. The application does not contain all information specified in this solicitation.
- F. The proposed project is inconsistent with the goals or requirements of ARRA.

Applications **MAY** be rejected and not considered for funding if:

- G. The project proposed is not included in Exhibit 2 of this solicitation, is not proposed for use in an appropriate site (as described in Exhibit 2), or has unreasonably high non-equipment costs.
- H. More than one application is received for any single eligible city or county.

23. Availability of Solicitation Documents and Information:

This solicitation, all supporting documents and forms can be found at www.energy.ca.gov/contracts/index.html under "Current Solicitations." Interested parties may also sign on to the electronic mailing list on this webpage to be notified of any changes to this solicitation.

For those parties without Internet access, copies of this solicitation can be obtained by contacting:

California Energy Commission
Grants and Loans Office
1516 Ninth Street, MS-1
Sacramento, CA 95814
Telephone: 916-654-4381

Interested parties may also request to be added to the mailing notification list to receive changes made to this solicitation.

24. Amendment or Cancellation of this Solicitation:

The Energy Commission reserves the right to do any of the following:

- Cancel this solicitation.

- Amend or revise this solicitation.
- Reject any or all applications received in response to this solicitation.

25. Questions:

For questions about this solicitation, please email the Energy Commission's EECBG Phase 2 program at:

eecbg@energy.state.ca.us

Alternatively, questions can be mailed to the following address:

California Energy Commission
Grants and Loans Office

Attn: EECBG Phase 2 Program
1516 Ninth Street, MS-1
Sacramento, CA 95814

All questions and answers will be posted on the Energy Commission website at www.energy.ca.gov/contracts as part of this solicitation package. The person and organization submitting a question will not be identified.

26. Attachments:

- A. Application Cover Page and Instructions
- B. Eligible Project Supporting Documentation
- C. Budget Template and Instructions

27. Exhibits:

- 1. List of Eligible Cities and Counties
- 2. Eligible Project List
- 3. Sample of Applicant Authorizing Resolution
- 4. Scope of Work Template
- 5. Complying with the Single Audit Report
- 6. National Historic Preservation Act Compliance Information
- 7. Davis-Bacon Act Questions and Answers
- 8. California Prevailing Wage Questions and Answers
- 9. Sample Grant Terms and Conditions
- 10. Waste Management Plan Template